



DECLARATION  
Utility Application

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Lyon & Lyon LLP  
Docket Information  
265/064

43

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **SYSTEMS AND METHODS FOR PERFORMING BLOOD PROCESSING AND/OR FLUID EXCHANGE PROCEDURES** the specification of which

(Check One)

☐  
☒

is attached hereto OR  
was filed on January 7, 2002, as United States Application Serial No. 10/041,949.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Date of Filing	Priority Claimed	
			Yes	No

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date	Status-Patented, Pending or Abandoned
09/451,238		November 29, 1999	Pending
09/513,773		February 25, 2000	Pending
09/513,446		February 25, 2000	Pending
09/513,902		February 25, 2000	Pending
09/512,927		February 25, 2000	Pending
09/512,929		February 25, 2000	Pending
09/513,910		February 25, 2000	Pending
09/513,564		February 25, 2000	Pending
09/513,915		February 25, 2000	Pending
09/894,236		June 27, 2001	Pending
08/800,881		February 14, 1997	Pending

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

201	FULL NAME OF INVENTOR	FIRST Name Jeffrey	MIDDLE Initial H.	LAST Name BURBANK	
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INVENTOR'S SIGNATURE <u>Jeffrey H. Burbank</u> DATE <u>4-9-02</u>					

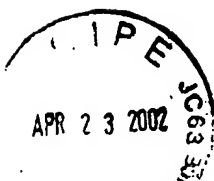
202	FULL NAME OF INVENTOR	FIRST Name James	MIDDLE Initial M.	LAST Name BRUGGER	
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INVENTOR'S SIGNATURE <u>C David Finch Jr</u> DATE <u>4-4-02</u>					

205	FULL NAME OF INVENTOR	FIRST Name Barry	MIDDLE Initial N.	LAST Name FULKERSON	
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INVENTOR'S SIGNATURE <u>Barry N Fulkerson</u> DATE <u>3/29/02</u>					

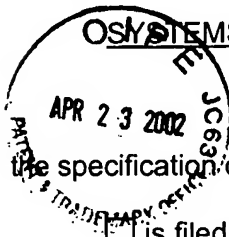
206	FULL NAME OF INVENTOR	FIRST Name Steven	MIDDLE Initial A.	LAST Name WHITE	
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INVENTOR'S SIGNATURE <u>Steve A. White</u> DATE <u>3/29/02</u>					



Patent  
265/064

**POWER OF ATTORNEY  
By Assignee**

NxStage Medical, Inc., assignee(s) of the application for United States Letters Patent for an improvement in



OSI SYSTEMS AND METHODS FOR PERFORMING BLOOD PROCESSING AND/OR  
FLUID EXCHANGE PROCEDURES

by Burbank et al.,

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the specification of which:

- ☐ is filed herewith, OR  
☒ was filed on January 7, 2002, having U.S. Patent Application Serial No. 10/041,949,

does hereby appoint as my attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and transact all business in the United States Patent and Trademark Office, and in countries other than the United States, and to do all things necessary or appropriate therefor before any competent International Authorities in connection with any international patent application(s) corresponding to the above-identified application, all of the registered practitioners identified by Customer Number 22249:



**22249**

PATENT TRADEMARK OFFICE


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Please send all inquiries to John Kappos, at the above Customer Number.

I, the undersigned, declare that I have reviewed copies of the documentary evidence establishing chain of title to the patent application identified above from the inventor(s) to the assignee(s), which:

- ☒ is filed for recordation herewith; or  
☐ was recorded at Reel \_\_\_\_\_, Frame \_\_\_\_\_; or  
☐ has been sent for recordation under separate cover, copy attached herewith.

To the best of the undersigned's knowledge and belief, title is in the assignee(s) identified above. Furthermore, the undersigned is empowered to sign this document on behalf of the assignee(s).

Full Name of Assignee: NxStage Medical, Inc.	
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Signature of Declarant or Assignee: 	Date: 4-9-02
Full Name of Declarant	
If Other Than Assignee: Jeffrey H. Burbank	
Title of Declarant: Chief Executive Officer	
Address of Declarant: 439 S. Union St., Fifth Floor, Lawrence, MA 01843-2800	